By M. Salleyor

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M.B. NO. 1604

## A BILL TO BE ENTITLED

AN ACT

relating to performance standards for certain plumbing fixtures. 2 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS SECTION 1. Title 5, Health and Safety Code, Subtitle E, Section 421.002, as follows: 5 Sec. 372.002. WATER SAVING PERFORMANCE STANDARDS. (a) A 6 person may not sell, offer for sale, distribute, or import into 7 this state a plumbing fixture for use in this state unless: 8 9 the plumbing fixture meets the water saving (1) performance standards provided by Subsection (b); and 10 (2) the plumbing fixture is listed by the department 11 12 - under Subsection (c). The water saving performance standards for a plumbing 13 (b) fixture are those established by the American National Standards 14 Institute or the following standards, whichever 15 are more restrictive. 16

for a sink or lavatory faucet or a faucet aerator,

- 1 maximum flow may not exceed 2.2 gallons of water per minute at a
- 2 pressure of 60 pounds per square inch when tested according to
- 3 testing procedures adopted by the board;
- 4 (2) for a shower head, maximum flow may not exceed 2.75
- 5 gallons of water per minute at a constant pressure over 80 pounds
- 6 per square inch when tested according to testing procedures adopted
- 7 by the board;
- 8 (3) for a urinal and the associated flush valve, if any,
- 9 maximum flow may not exceed an average of one gallon of water per
- 10 flushing when tested according to the hydraulic performance
- 11 requirements adopted by the board;
- 12 (4) for a toilet, maximum flow may not exceed an average
- of 1.6 3.5 gallons of water per flushing when tested according to
- 14 the hydraulic performance requirements adopted by the board;
- 15 (5) for a wall-mounted toilet that employs a flushometer
- 16 or flush valve, maximum flow may not exceed an average of two
- 17 gallons of water per flushing or the flow rate established by the
- 18 American National Standards Institute for ultra-low flush toilets,
- 19 whichever is lower; and
- 20 (6) a drinking water fountain must be self-closing.
- 21 (c) The board shall make and maintain a current list of
- 22 Plumbing fixtures that are certified to the board by the

manufacturer or importer to meet the water saving performance standards established by Subsection (b). To have a plumbing fixture included on the list, a manufacturer or importer must supply to the department, in the form prescribed by the department, the identification and the performance specifications of the plumbing fixture. The department may test a listed fixture to determine the accuracy of the manufacturer's or importer's certification and shall remove from the list a fixture the board finds to be inaccurately certified.

The department may assess against a manufacturer or an importer a reasonable fee for an inspection of a product to determine the accuracy of the manufacturer's or importer's certification in an amount determined by the board to cover the expenses incurred in the administration of this chapter. A fee received by the department under this subsection shall be deposited in the state treasury to the credit of the department and may be used only for the administration of this chapter. 

(e) The board and the department shall, to the extent appropriate and practical, employ the standards designated American National Standards by the American National Standards Institute in determining or evaluating performance standards or testing procedures under this chapter.

- 1 (f) This section does not apply to:
- 2 (1) a plumbing fixture that has been ordered by or is
- 3 in the inventory of a building contractor or a wholesaler or
- 4 retailer of plumbing fixtures on January 1, 1992;
- 5 (2) a fixture, such as a safety shower or aspirator
- faucet, that, because of the fixture's specialized function, cannot
- 7 meet the standards provided by this section;
- 8 (3) a fixture originally installed before January 1,
- 9 1992, that is removed and reinstalled in the same building on or
- 10 after that date; or
- 11 (4) a fixture imported only for use at the importer's
- 12 domicile.
- SECTION 2. The importance of this legislation and the crowded
- 14 condition of the calendars in both houses create an emergency and
- 15 an imperative public necessity that the constitutional rule
- 16 requiring bills to be read on three several days in each house be
- 17 suspended, and this rule is hereby suspended.

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By M. Halleyon

## A BILL TO BE ENTITLED

## AN ACT

relating to the performance standards of certain plumbing fixtures

MAR 8	1931	Filed with the Chief Clerk.
MAR 9	1993	2. Read first time and Referred to Committee on
		LICENSING + ADMINISTRATINE PROCEDURES
	· <del></del>	3. Reported favorably (as substituted) and sent to Printer at
<u>,</u>		4. Printed and distributed at
:	-	5. Sent to Committee on Calendars at
	<del></del>	6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).
		7. Motion to reconsider and table the vote by which H.B was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).
-	<del></del>	8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of yeas, nays, and present, not voting.

9. Read third time (amended); fin of yeas,	ally passed (failed) by nays,	(Non-Record Vote) (Recongly present, not voting).	ord Vote
 10. Caption ordered amended to co	nform to body of bill		
 11. Motion to reconsider and table prevailed (failed) by a (Non-Reconays, and present	ord Vote) (Record V	H. B was finall ote of yeas,	y passed
 12. Ordered Engrossed at			
 13. Engrossed.			
 14. Returned to Chief Clerk at		<b>→</b>	
 . 15. Sent to Senate.			
	c	hief Clerk of the House	
 . 16. Received from the House			
 _ 17. Read, referred to Committee or	1		<del></del>
 _ 18. Reported favorably			
 . 19. Reported adversely, with favo first time.	rable Committee Sub	stitute; Committee Substi	tute read
20. Ordered not printed.			
 _ 21. Regular order of business suspe	nded by (a viva voce	vote.)	ana l

	22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.
	23. Read second time passed to third reading by: (a viva voce vote.) ( yeas, nays.)
	24. Caption ordered amended to conform to body of bill.
	25. Senate and Constitutional 3-Day Rules suspended by vote of yeas, nays to place bill on third reading and final passage.
<u> </u>	_ 26. Read third time and passed by (a viva voce vote.) ( yeas, nays.)
OTHER ACTION:	OTHER ACTION:
	Secretary of the Senate
	_ 27. Returned to the House.
	28. Received from the Senate (with amendments,) (as substituted .)
	29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record Vote) (Record Vote of yeas, nays, present, not voting).
	30. Conference Committee Ordered.
	31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record Vote of yeas, nays, and present, not voting).
	32. Ordered Enrolled at